

REMARKS

Claim 5 was objected to as being dependent upon, in part, non-elected claims 2 and 4. Claim 5 is now being amended to correct the dependency.

Rejection under 35 U.S.C. §112

Claim 1, 3 and 5 were rejected under 35 U.S.C. 112, first paragraph, because according to the Examiner, the specification while being enabling for claims limited in scope to a method of treating IBD, it does not reasonably provide enablement for claims to a method of *preventing* IBD.

While not acceding to the Examiner's rejection, claims 1 and 3 were amended to remove without prejudice the language of "preventing." Such action was taken solely to expedite the prosecution. Applicants reserve the right to file the canceled subject matter in divisional or continuation applications.

Claims 1, 3 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Coleman et al., WO97/24441 (provided by applicants). The Examiner stated, in part:

Coleman discloses a human IGIF-2 polypeptide, which amino acid sequence of SEQ ID NO:2 comprises the present SEQ ID NO:1 with 100% sequence identity. Additionally, Coleman teaches that said polypeptide can be used for treating diseases/conditions including, among others, Crohn's disease or other inflammatory bowel diseases (the paragraph bridging pages 35 and 36). Therefore, the reference anticipates claims 1, 3 and 5.

The instant SEQ ID NO:1 is a fragment of Coleman's SEQ ID NO:2. In order to clarify what Applicants are claiming, claims 1 and 3 were amended to recite from "having" to "consisting of". Coleman does not teach a polypeptide consisting of at least 90% identity to the amino acid sequences of SEQ ID NO:1, nor its utility as having activity for treating IBD.

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Claims 1, 3, 5, and 7 remain pending in this application. Claims 2, 4, 6, 8 and 9 have been withdrawn. Applicants reserve the right to file the canceled subject matter in divisional or continuation applications. In view of the above remarks and amendments, Applicants believe the application is in condition for allowance. Reconsideration of this application is requested. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned agent at the number below.

Respectfully submitted,



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